

## Council Substitute for House Bill No. 623

An act relating to school food service programs; amending s. 1006.06, F.S.; requiring school breakfast programs in middle and high schools; providing procedures for school breakfast programs; specifying requirements for setting prices of breakfast meals; requiring district school boards to consider policies for the provision of universal-free school breakfast meals in certain schools; requiring information to be communicated to students and parents; clarifying the allocation of funds for school breakfast programs; directing the Office of Program Policy Analysis and Government Accountability to submit a report on school district food service programs; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (5) of section 1006.06, Florida Statutes, is amended to read:

1006.06 School food service programs.—

(5)(a) ~~Each district school board shall implement school breakfast programs in all elementary schools that make breakfast meals available to all students in kindergarten through grade 6 in each district school, unless the elementary school. By the beginning of the 2010-2011 school year, the school breakfast programs shall make breakfast meals available to all students in each elementary, middle, and high school. Each school shall, to the maximum extent practicable, make breakfast meals available to students at an alternative site location, which may include, but need not be limited to, alternative breakfast options as described in publications of the Food and Nutrition Service of the United States Department of Agriculture for the federal School Breakfast Program goes only through grade 5, in which case the requirement shall apply only through grade 5. Each district school board shall implement breakfast programs in all elementary schools in which students are eligible for free and reduced price lunch meals, to the extent specifically funded in the General Appropriations Act.~~

(b) Beginning with the 2009-2010 school year, each school district must annually set prices for breakfast meals at rates that, combined with federal reimbursements, are sufficient to defray costs of school breakfast programs without requiring allocations from the district's operating funds, except if the district school board approves lower rates.

(c) Each district school board is encouraged to provide universal-free school breakfast meals to all students in each elementary, middle, and high school. By the beginning of the 2010-2011 school year, each district school board shall approve or disapprove a policy, after receiving public testimony concerning the proposed policy at two or more regular meetings, which makes universal-free school breakfast meals available to all students in each elementary, middle, and high school in which 80 percent or more of the students are eligible for free or reduced-price meals.

(d) Beginning with the 2009-2010 school year, each elementary, middle, and high school shall make a breakfast meal available if a student arrives at school on the school bus less than 15 minutes before the first bell rings and shall allow the student at least 15 minutes to eat the breakfast.

(e) Each school district shall annually provide to all students in each elementary, middle, and high school information prepared by the district's food service administration regarding its school breakfast programs. The information shall be communicated through school announcements and written notice sent to all parents.

(f) A district school board may operate a breakfast program providing for food preparation at the school site or in central locations with distribution to designated satellite schools or any combination thereof.

(g)(b) The commissioner shall make every reasonable effort to ensure that any school designated a "severe need school" receives the highest rate of reimbursement to which it is entitled under pursuant to 42 U.S.C. s. 1773 for each free and reduced-price breakfast meal served.

(h)(e) The department shall annually allocate among the school districts funds provided from the calculate and distribute a school district breakfast supplement for each school year by multiplying the state breakfast rate as specified in the General Appropriations Act based on each district's total by the number of free and reduced-price reduced-price breakfast meals served.

(d) The Legislature shall provide sufficient funds in the General Appropriations Act to reimburse participating school districts for the difference between the average federal reimbursement for free and reduced-price breakfasts and the average statewide cost for breakfasts.

Section 2. (1) The Office of Program Policy Analysis and Government Accountability, by January 15, 2009, shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the members of the State Board of Education, and the Commissioner of Education on school district food service programs. The report shall:

(a) Estimate the district-by-district cost if each school district implements a universal-free school breakfast program in all elementary, middle, and high schools. The estimate shall consider the marginal costs per breakfast meal, anticipated increases in student participation rates, expected reductions in the marginal costs per breakfast meal which result from increased economies of scale, offsetting federal reimbursements, impact on the marginal costs per breakfast meal of limiting participation in a universal-free school breakfast program to schools having various percentages of students eligible for free or reduced-price meals, and impact on student participation rates and marginal costs per breakfast meal of alternatives to serving meals in school cafeterias. The estimate shall also consider the experiences of specific Florida schools and school districts implementing a universal-free school breakfast program.

(b) Determine the extent to which school district food service programs are fiscally self-sufficient or require financial support from other district operating funds.

(c) Examine for at least the previous 5 years the prices that school food service programs charged for meals, the frequency of price-level increases, and the relationship between increases in the costs per meal and price-level increases.

(d) Identify best practices for the efficient and effective operation of school district food service programs, which shall include strategies for a school district to reduce the costs of its food service programs without sacrificing the nutritional value of meals, including, but not limited to, the use of alternatives to the daily counting of meals at the point of service which are authorized under 7 C.F.R. s. 210.7(c)(2).

(e) Evaluate the methodology and forms used for school district food service programs to report their revenues and expenditures to the Department of Education. The evaluation shall assess whether the forms require food service programs to accurately report their total operating costs, including, but not limited to, food, labor, equipment, utilities, janitorial services, overhead, and indirect costs; whether the calculations submitted on the forms accurately report the average costs per meal; and whether information obtained from the forms as submitted to the department allows an equitable district-by-district comparison of the average costs per meal.

(f) Assess the methodology used to allocate funds provided in the General Appropriations Act for school district food service programs and the extent to which the allocation methodology creates incentives for the fiscal efficiency of the food service programs.

(g) Evaluate the organizational structure of the state for, and the state implementation and programmatic management of, federal programs administered by the Food and Nutrition Service of the United States Department of Agriculture, including, but not limited to, the National School Lunch Program, the federal School Breakfast Program, and the federal Summer Food Service Program.

(2) The Office of Program Policy Analysis and Government Accountability shall consult with staff of the education committees of the Senate and House of Representatives, the Department of Education, the Department of Agriculture and Consumer Services, and the Auditor General concerning the research design for the report.

Section 3. This act shall take effect July 1, 2008.

Approved by the Governor June 17, 2008.

Filed in Office Secretary of State June 17, 2008.